THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

Retention and Disposal of Government Records

Select Standing Committee on Public Accounts

First Report
Fourth Session, Thirty-eighth Parliament

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May 28, 2008

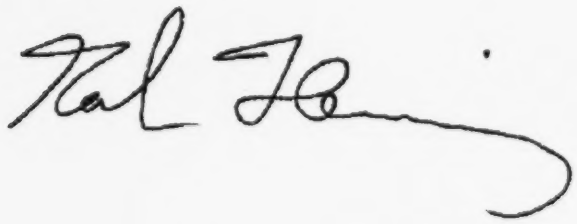
To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the First Report of the Select Standing Committee on Public Accounts for the 4th session.

This Report outlines the Committee's role in approving the retention and disposal of government records, pursuant to section 3 of the *Document Disposal Act* (R.S.B.C. 1996, c. 99).

Respectfully submitted on behalf of the Committee,



Rob Fleming, MLA
Chair

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COMPOSITION OF THE COMMITTEE

MEMBERS

Rob Fleming, MLA	Chair	Victoria-Hillside
Joan McIntyre, MLA	Deputy Chair	West Vancouver-Garibaldi
Harry Bains, MLA		Surrey-Newton
Iain Black, MLA		Port Moody-Westwood
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Claire Trevena, MLA		North Island
John Yap, MLA		Richmond-Steveston

CLERK TO THE COMMITTEE

Craig James, Clerk Assistant and Clerk of Committees

COMMITTEE RESEARCHERS

Josie Schofield, Committee Research Analyst

STATUTORY AUTHORITY

Under section 3 of the *Document Disposal Act* (R.S.B.C. 1996, c. 99), three separate entities are required to approve the destruction of government records: the Public Documents Committee, the Select Standing Committee on Public Accounts and the Legislative Assembly:

APPROVALS REQUIRED

3 (1) A document must not be destroyed except on the written recommendation of the Public Documents Committee, which consists of the chief executive officer of the museum or a person designated by the chief executive officer, a person designated by the minister responsible for the administration of this Act, the Comptroller General, and 3 other persons to be named by the Lieutenant Governor in Council.

(2) A document must not be destroyed before the expiration of 7 years from the date on which it was created unless one of the following conditions is met:

(a) 2 years have expired from the date on which the document was created and a microfilm copy of it is available to the officer who would, but for the destruction, have charge or custody of the document;

(b) a recommendation under subsection (1) has been approved by the Legislative Assembly on the recommendation of the Select Standing Committee of the Legislative Assembly on Public Accounts and Economic Affairs;

(c) the document is

(i) listed in a records schedule approved by the Select Standing Committee of the Legislative Assembly on Public Accounts and Economic Affairs, and

(ii) destroyed in accordance with the instructions in the records schedule.

Review of Resolutions for Records Retention and Disposal Authorities

Background

The *Document Disposal Act* requires the consent of the Legislative Assembly to destroy a government record within the provincial public service. The Public Documents Committee (PDC) reviews each year the records retention schedules created by the line ministries and central agencies according to the legal, operational and financial obligations inherent in the records. If the records have long-term value to the corporate government, then the PDC recommends their retention by the government archives. If their value is limited, the PDC recommends that the records be kept in ministry storage for a period of time and then once the obligations have lapsed, be confidentially destroyed.

Pursuant to section 3 of the Act, the PDC submits for consideration and approval by the Select Standing Committee on Public Accounts Committee (PAC) a copy of each of the records retention and disposal authorities the PDC has recommended for approval by the Legislative Assembly.

At the meeting on May 27, 2008, the PDC Chair and Provincial Archivist reported that the legislation is based on the premise that no government record can be destroyed without the written recommendation of the PDC and the approval of the executive council or the Legislative Assembly, acting through PAC. He then presented nine resolutions for records retention and disposal authorities. He explained that four of the nine retention schedules are amendments to existing schedules, and one is a special schedule handling the Health Facilities Association of British Columbia, a defunct association that has been brought back into executive government. As well, there are new schedules that apply to the Base Mapping Branch, Ministry of Agriculture and Lands; the Privacy and Legislation Branch, Ministry of Labour and Citizens' Services; and the Crown Agencies Secretariat, Ministry of Finance. These three schedules ensure that records having evidentiary, fiduciary and legal values are retained for future access by the public and legislators.

Committee Inquiry

One committee member asked the PDC Chair whether the disposal of operational records referred to in the first resolution would apply to original base mapping data. He was informed by the witness that the base map, which forms the foundation for all future decisions made on the province's land mass, and all of the correspondence and supporting documentation will be kept over time.

The PAC Chair asked the witness to clarify the respective roles of the executive council and the Legislative Assembly in determining whether a government record may be destroyed. In his response, the witness reported that only slight amendments have been made to the legislation, which was enacted in 1933. Executive council approval is required for records that are over seven years old, or records that have been microfilmed and are two years old. Under the current system, all ongoing schedules that would apply to current, past and future records are presented before the PAC.

Committee Recommendations

The Committee recommends to the Legislative Assembly acceptance of the following 9 resolutions for records retention and disposal authorities:

1. That the management of the retention and final disposition of the operational records of the Base Mapping and Geomatic Services Branch, Ministry of Agriculture and Lands, be in accordance with the records schedules, standards, and guidelines described in the *Base Mapping and Geomatic Services Operational Records Classification System.*

2. That the management of the retention and final disposition of the operational records of the Women's, Seniors' and Community Services program, Ministry of Community Services, be in accordance with the records schedules, standards, and guidelines described in the *Women's Equality Operational Records Classification System,* as amended.

3. That the management of the retention and final disposition of the operational records of the Ministry of Employment and Income Assistance, be in accordance with the records schedules, standards, and guidelines described in the *Social Services Operational Records Classification System,* as amended.

4. That the management of the retention and final disposition of the operational records of the Crown Agencies Secretariat, Ministry of Finance, be in accordance with the records schedules, standards, and guidelines described in the *Crown Agency Services Operational Records Classification System.*

5. That the management of the retention and final disposition of the operational records of the Health Authorities Division, Ministry of Health, be in accordance with the records schedules, standards, and guidelines described in the *Community Health Programs Operational Records Classification System,* as amended.

6. That the management of the retention and final disposition of the operational records of the Nursing Directorate, Ministry of Health, be in accordance with the records schedules, standards, and guidelines described in the *Nursing Directorate Operational Records Classification System.*

7. That the management of the retention and final disposition of the operational records of the Pharmaceutical Services program, Ministry of Health, be in accordance with the records schedules, standards, and guidelines described in the *Pharmaceutical Services Operational Records Classification System,* as amended.

8. That the management of the retention and final disposition of the operational records of the IM/IT Privacy and Legislation Branch, Ministry of Labour and Citizens' Services, be in accordance with the records schedules, standards, and guidelines described in the *Information and Privacy Operational Records Classification System.*

9. That the retention and final disposition of Health Facilities Association of British Columbia records be managed in accordance with the one-time records retention and disposal authority for those records.